

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7270 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KAILASHCHANDRA MOHARSING JOGI

Versus

COMMANDANT (SENAPATI)

Appearance:

MR PK PANCHOLI for Petitioner

MR DA BAMBHANIA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/12/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Under the order dated 29th September, 1997, the petitioner is ordered to be transferred from M.T. Section of Police Department as Driver to Police Force as a Constable.

3. Only apprehension of the petitioner in the matter

is that while working in the M.T. Section of Police Department as Driver he has been given the selection scale of Rs.1240/- and consequently his pay and emoluments have been fixed in the said selection scale but because of this transfer he is likely to be put in the pay scale of Rs.825-1200 and consequently his pay shall be fixed in the said pay scale which will result in lower downing of his pay and emoluments and as such this transfer is bad.

4. Shri D.A. Bhambhanian, learned counsel for the respondents make a statement before this Court that only on the ground of this transfer neither the petitioner's existing selection scale nor consequently his pay and emoluments in the said scale will be reduced to the pay scale of Rs.825-1200. However, the learned counsel for the respondents contended that the petitioner was given erroneously the selection scale of Rs.1240/- and consequently, erroneously his pay and emoluments have been fixed in the said selection scale but before rectifying their error, the respondents will take all the care to follow the principles of natural justice.

5. In view of the statements aforesaid made by the learned counsel for the respondents, nothing now survives in this special civil application and the same is dismissed. Rule discharged. No order as to costs.

zgs/-